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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,613

10/27/2003

Peter Forch

A-3824

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7590

04/19/2006

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EXAMINER

JOERGER, KAITLIN S

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,613

Applicant(s)

FORCH ET AL.

Examiner

Kaitlin S. Joerger

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 12 is/are rejected.
- 7) ☐ Claim(s) 5-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Spiegel et al.

Spiegel et al. teaches a sheet-processing machine, comprising: at least one processing station being a printing unit; a stacking station, 3, for holding a stack formed from processed sheets and disposed downstream of said printing unit; a delivery, 2, with an endless conveyor transporting the processed sheets in a direction of the stack and disposed downstream of said printing unit; after-grippers, 7, following an after-grippers path during operation for taking over the processed sheets and releasing the sheets over the stack; a mechanism guiding the after-grippers, the mechanism being set to positions correlating with different formats of the processed sheets; a drive actuating the mechanism, the drive keeping said mechanism at one and the same phase angle with respect to the printing unit in each of the positions, see column 2, lines 38+.

The mechanism and the drive form one structural unit disposed to be displaced with respect to the delivery, see column 4, lines 39+.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norton in view of Spiegel et al.

Norton teaches a processing station, 22, a stacking station, 44, a delivery, 18, with an endless conveyor transporting the processed sheets in a direction of the stack; after-grippers, 54, 56, 64, and 66, for taking over the processed sheets and releasing the processed sheets of the stack; a mechanism guiding the after-grippers, the mechanism being set to positions correlating with different formats of the processed sheets; and a drive actuating the mechanism, the drive keeping the mechanism at one and the same phase angle with respect to the processing station in each of the position, see column line 26 through column 5. The mechanism and the drive form a structural unit to be displaced with respect to the delivery, column 5, lines 24+. The endless conveyor and mechanism have a torque-transmitting connection with each other, wherein the connection is a drive shaft.

Norton does not teach that the sheet slow-down device is connected to a printing unit. Spiegel et al. teaches a sheet slow-down device that is connected to the printing unit. It is obvious to one of ordinary skill in the art that a sheet slow down device can usefully attached to a printing unit, as taught by Spiegel et al., and therefore it would have been obvious to use the slow-down device of Norton in conjunction with a printing unit, as taught by Spiegel et al. in

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order to slow the freshly printed sheets down before the sheet reach the stack so that they are calmly placed on the stack and do not fall off the top.

Allowable Subject Matter

Claims 5-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: claims 5 a torque transmitting device that is a flexible drive unit, this feature was not found among the prior art, nor would it be obvious to one of ordinary skill in the art to combine a flexible drive unit with the sheet slow-down mechanisms of the prior art. As result claim 5 and those claims that depend therefrom have been found to contain allowable subject matter.


The following is a statement of reasons for the indication of allowable subject matter: claim 10 claims a sheet guide which can be set to different clearances base don the format of the sheets, this feature was not found among the prior art and therefore claims 10 and 11 were found to contain allowable subject matter.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin S. Joerger whose telephone number is 571-272-6938. The examiner can normally be reached on Monday - Friday 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksj

12 April 2006

 4/17/06
DEAN J. KRAMER
PRIMARY EXAMINER